

## **THE OFFICE ACTION**

In the Office Action mailed September 2, 2005, claims 1-14 were indicated as being subject to a restriction under 35 U.S.C. § 121 with claims 5-14 withdrawn from consideration.

Claims 1-3 stand rejected under 35 U.S.C. §102(b) as being anticipated by "Project: Bamboo Placemats" from StyleatHome.com.

Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over "Project: Bamboo Placemats" from StyleatHome.com in view of U.S. Patent No. 3,064,691 issued to Dionne.

## **REMARKS**

### **Restriction Requirement**

The Examiner restricted the examination of the present application under 35 U.S.C. § 121 to one of the following groups of inventions:

- I. Claims 1-4 drawn to a removable covering comprising a plurality of sticks and a plurality of binding strings.
- II. Claims 5-10 drawn to a removable covering comprising a plurality of sticks, binding strings, slats and linking tabs and loops.
- III. Claims 11-14 drawn to a removable covering comprising sticks and linking slats.

As the Examiner indicated in the Office Action, a provisional election was made with traverse to prosecute the invention of Group I, claims 1-4. The election of Group I is hereby affirmed.

However, Applicant maintains that the claims of each of Groups I-III are drawn to a removable covering for a supporting surface, including a plurality of sticks arranged adjacent to each other, and that each of groups I-III belong to the same classification. Therefore, examination of the non-selected Groups II-III would not require the Examiner to conduct an extensive or burdensome search. The Manual of Patent Examining Procedure §802.01 points out that the Examiner must examine an application on the merits if the search and examination can be made without serious burden, even though

the application includes claims to distinct inventions. Applicant respectfully requests, therefore, that the restriction requirement be withdrawn.

The right to continue prosecution of the unelected claims 5-14 in one or more continuation or divisional applications is hereby retained.

**Claims Distinguish Patentably Over the Reference of Record**

With reference to the rejection of claims 1-3, the Office Action mailed September 2, 2005 states that "Project: Bamboo Placemats" teaches placing bamboo canes side by side, taking cloth-covered wire and placing a first cane in the fold of the wire to form an X, holding the second cane firmly against the wire crossover, and crisscrossing the wires in the same direction around it; the continuing to bind the canes together, clipping off excess and bending the twisted section to the back of the mat to hide. The Office Action adds that "Project: Bamboo Placemats" notes that the method can be used to create placemats and table runners, while pointing out that placemats are generally of a short length while table runners are generally of a long length therefore suggesting customized lengths. The Office Action then argues that the final product of the Project and Applicant are the same.

Applicant respectfully points out, however, that independent claim 1, as amended, recites a removable covering comprising "(a) a plurality of sticks arranged adjacent to each other to form a sheet; and (b) a plurality of binding strings linking the adjacent sticks together, wherein a knot at the end of each string secures it to the sheet of sticks and an excess of the string beyond the knot provides a means for forming a linking knot tying adjacent sheets of sticks together, forming a larger unified sheet of sticks for covering a supporting surface" (underlining added for emphasis). This modular method of combining placemats is not taught or suggested by "Project: Bamboo Placemats". Although customized-length placemats are arguably suggested by the placemat/table runner variations, the method of customizing the length is apparently to select an appropriate number and size of bamboo canes in advance, thereby forming a mat or runner of the appropriate size. Further, it is taught in the project to simply fold the excess of wire behind the placemat for hiding, and no suggestion of either tying a knot or combining placemats is provided. With particular reference to the linking knot limitation of claim 1, Applicant respectfully submits that the claim 1 of the present

application, as amended, recites features not suggested or taught by the cited reference.

With reference now to dependent claim 4 of the present application, Applicant notes that, although Dionne teaches the use of plastic material instead of bamboo or wood, Dionne does not teach the limitations set forth in claim 1, as amended, from which claim 4 depends.

Applicant notes that new claims 15-18 are directed to the elected species of Group I as described above. Support for new claim 15 is provided by paragraph 21 of the present application. Support for new claims 16-18 is provided by paragraph 18 of the present application and claims 2-4 as originally filed.

For the above-stated reasons, Applicant respectfully submits that claim 1 of the present application, as amended, is patentably distinct over the cited reference and, therefore, in condition for allowance, as are claims 2-4 and 15-18 depending therefrom.

## CONCLUSION

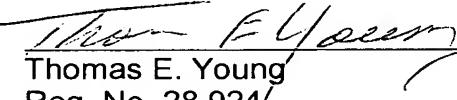
For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-4 and 15-18) are now in condition for allowance. Should the Examiner need more information or wish to discuss the present application, Applicant would appreciate the opportunity to assist in moving the case forward to a successful conclusion. In this regard, Thomas Young may be contacted at 216-861-5582.

Respectfully submitted,

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October 20, 2005

Date

  
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### CERTIFICATE OF MAILING

Under 37 C.F.R. § 1.8, I certify that this Amendment is being deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

	Signature
Date: October 20, 2005 N:\MAEE\200035\GY\0000309V001.doc	Printed Name: Kathleen A. Nimrichter 